

JAN 27 2006

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KHITAM MOHAMMED ABU-SHANDI,

Petitioner,

v.

**ALBERTO R. GONZALES, Attorney
General,**

Respondent.

No. 05-73041

Agency No. A29-228-876

MEMORANDUM*

**On Petition for Review of an Order of the
Board of Immigration Appeals**

Submitted January 23, 2006**

Before: T.G. NELSON, SILVERMAN and BYBEE, Circuit Judges.

Respondent's unopposed motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982)

*** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.**

**** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).**

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(per curiam) (stating standard); *see also Garcia-Ramirez v. Gonzales*, 423 F.3d 935 (9th Cir. 2005) (rejecting a constitutional challenge to the continuous physical presence requirement of cancellation of removal). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal confirmed by Ninth Circuit General Order 6.4(c) shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.